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TAGS: [ELAB](#) [PHUM](#) [ECON](#) [KHLS](#) [KCRM](#) [KJUS](#) [KDEM](#) [PGOV](#) [GT](#)
SUBJECT: AMBASSADOR'S MEETING WITH MINISTER OF LABOR

REF: A. GUATEMALA 974
[B.](#) GUATEMALA 522
[C.](#) 07 GUATEMALA 115

Classified By: CDA David Lindwall for reasons 1.4 (b&d).

[¶1.](#) (SBU) Summary: During a November 13 courtesy call, the Ambassador and Minister of Labor Edgar Rodriguez discussed a range of issues, including migrant workers, violence against trade unionists, the expected increase in Guatemala's minimum wage, and next steps in the CAFTA labor submission accepted for review by the U.S. Department of Labor (DOL) in June. While the Ministry of Labor (MOL) has made advances with respect to some of these issues, the MOL continues to face serious challenges. End Summary.

[¶2.](#) (C) Minister of Labor Rodriguez began the November 13 meeting with the Ambassador by underscoring the importance of working together to create legal avenues for Guatemalans who want to work in the U.S., and noted that the MOL has been working with the Ministry of Foreign Affairs (MFA) to accomplish this objective. The Ambassador acknowledged the importance of legal avenues for migrant workers and commented that Guatemalans were particularly interested in how the U.S. President-elect would respond to immigration issues. Rodriguez highlighted his accomplishments as Labor Minister during the Colom Administration's first ten months. According to Rodriguez, the MOL has authorized 50 new unions this year alone, surpassing the number of unions approved during the four years of the Berger Administration. He also noted that he was able to sign a collective bargaining agreement between MOL management and its union representing the majority of its workers in just three months, while previous administrations had been working towards this goal for the past eight years.

[¶3.](#) (C) The Ambassador inquired how the GOG had responded to violence against trade union activists, which has increased from previous years according to some labor rights advocacy groups. Rodriguez stated that he is a "friend" of unions, and noted recent measures taken by the GOG, including the reactivation on November 6 of its Inter-Agency Commission on Labor Relations, as illustrative of the government's proactive efforts to address labor issues and protect union members. The Commission, created by the GOG in 2003, will investigate cases of violence against trade unionists. Rodriguez also explained that he recently met with the prosecutor in charge of investigating the Pedro Zamora murder (ref C) (one of the cases mentioned in the CAFTA labor submission) and expressed confidence that the Public Ministry would successfully prosecute the case. According to Rodriguez, the "bus burning" tactics that unions utilized in the past are not productive, and unions should strive to advance their objectives in a way that promotes dialogue instead of violence.

[¶4.](#) (C) In response to the Ambassador's question on minimum

wage, which is usually readjusted at the end of each year, Rodriguez stated that the minimum wage must increase in response to increased prices in the country's basic basket of goods. Rodriguez dismissed the argument made by many employers that an increase in the minimum wage would lead to greater unemployment, and expressed frustration over the difficulty of getting employers to accept that this is not the case.

¶5. (C) The Ambassador ended the courtesy call by thanking the GOG for its work to date in addressing the issues related to the CAFTA labor submission, and noted that there is still more to be done before DOL releases its public report in December (refs A, B). Rodriguez highlighted that the GOG has created an ad-hoc CAFTA Committee with representatives from the MOL, MFA, Public Ministry, Ministry of Government, the judiciary, Ministry of Economy, and Ministry of Communications to review the submission and the allegations. Rodriguez thanked the Ambassador and his team, especially Labor Officer Lucy Chang, for the help and support provided during the review process and expressed optimism that the GOG would fare well in the report.

¶6. (C) On November 14, the Embassy and DOL's Office of Trade and Labor Affairs (OTLA) in Washington co-hosted a video conference with representatives from various GOG and U.S. agencies to provide the GOG with an additional opportunity to demonstrate its efforts to address the issues raised in the CAFTA submission. While the GOG had an impressive list of senior-level participants, including representatives from the MOL, MFA, Ministry of Economy, Public Ministry, Ministry of Government, and the Guatemalan Ambassador in Washington, it was clear that the GOG's inter-agency coordination on this issue was lacking. The GOG had no new information on any of the five cases in the submission, and the MOL chose to explain this shortcoming by focusing on its limitations as an administrative agency and shifting the blame to other agencies. Unfortunately, the MOL appears not to understand that OTLA's public report of findings and recommendations will address the GOG's response as a whole, not the responses of individual agencies. In a subsequent conversation with an Embassy officer, the MFA's Director General for Bilateral Affairs, Carlos Raul Morales (please protect), expressed disappointment with the MOL's approach during the meeting, which Morales characterized as overly defensive. According to Morales, who participated in the video conference, the MOL should have addressed the status of GOG efforts to see justice done in the cases under review rather than arguing procedural questions. The DCM, during his closing remarks ending the video conference, encouraged greater inter-agency collaboration and stressed the need to seek creative solutions to the issues raised in the submission.

Lindwall